

COMBINED DECLARATION AND POWER OF ATTORNEY

Attorney's Docket No.

032001-011

**COMBINED DECLARATION AND POWER OF ATTORNEY
FOR UTILITY PATENT APPLICATION**

Attorney's Docket No.

032001-011

As 37 C.F.R. § 1.47(b) Applicant, I hereby declare that:

I am President and Chief Executive Officer of Chameleon Systems, Inc., which employed Christopher E. Phillips and Dale Wong when they invented the subject matter of the present invention.

I BELIEVE CHRISTOPHER E. PHILLIPS AND DALE WONG TO BE JOINT INVENTORS OF THE SUBJECT MATTER WHICH IS CLAIMED AND FOR WHICH A PATENT IS SOUGHT ON THE INVENTION ENTITLED:

Hierarchical Storage Architecture for Reconfigurable Logic Configurations

the specification of which

(check one)

☐

is attached hereto;

☒

was filed on October 3, 2000 as

Application No. 09/679,398

and was amended on _____;
(if applicable)

I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE;

I ACKNOWLEDGE THE DUTY TO DISCLOSE TO THE OFFICE ALL INFORMATION KNOWN TO ME TO BE MATERIAL TO PATENTABILITY AS DEFINED IN TITLE 37, CODE OF FEDERAL REGULATIONS, Sec. 1.56 (as amended effective March 16, 1992);

I do not know and do not believe the said invention was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to said application; that said invention was not in public use or on sale in the United States of America more than one year prior to said application; that said invention has not been patented or made the subject of an inventor's certificate issued before the date of said application in any country foreign to the United States of America on any application filed by me or my legal representatives or assigns more than twelve months prior to said application;

I hereby claim foreign priority benefits under Title 35, United States Code Sec. 119 and/or Sec. 365 of any foreign application(s) for patent or inventor's certificate as indicated below and have also identified below any foreign application for patent or inventor's certificate on this invention having a filing date before that of the application(s) on which priority is claimed:

COUNTRY/INTERNATIONAL	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
			YES_ NO_
			YES_ NO_

COMBINED DECLARATION AND POWER OF ATTORNEY

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032001-011

I hereby appoint the following attorneys and agent(s) to prosecute said application and to transact all business in the Patent and Trademark Office connected therewith and to file, prosecute and to transact all business in connection with international applications directed to said invention:

William L. Mathis	17,337	Eric H. Weisblatt	30,505	Bruce T. Wieder	33,815
Robert S. Swecker	19,885	James W. Peterson	26,057	Todd R. Walters	34,040
Platon N. Mandros	22,124	Teresa Stanek Rea	30,427	Ronni S. Jillions	31,979
Benton S. Duffett, Jr.	22,030	Robert E. Krebs	25,885	Harold R. Brown III	36,341
Norman H. Stepno	22,716	William C. Rowland	30,888	Allen R. Baum	36,086
Ronald L. Grudziecki	24,970	T. Gene Dillahunt	25,423	Steven M. duBois	35,023
Frederick G. Michaud, Jr.	26,003	Patrick C. Keane	32,858	Brian P. O'Shaughnessy	32,747
Alan E. Kopecki	25,813	B. Jefferson Boggs, Jr.	32,344	Kenneth B. Leffler	36,075
Regis E. Slutter	26,999	William H. Benz	25,952	Fred W. Hathaway	32,236
Samuel C. Miller, III	27,360	Peter K. Skiff	31,917	Wendi L. Weinstein	34,456
Robert G. Mukai	28,531	Richard J. McGrath	29,195	Mary Ann Dillahunt	34,576
George A. Hovanec, Jr.	28,223	Matthew L. Schneider	32,814		
James A. LaBarre	28,632	Michael G. Savage	32,596		
E. Joseph Gess	28,510	Gerald F. Swiss	30,113		
R. Danny Huntington	27,903	Charles F. Wieland III	33,096		

**21839**

and: Joseph P. O'Malley, Reg. No. 36,226

Address all correspondence to:

**21839**

Robert E. Krebs
BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. Box 1404
Alexandria, Virginia 22313-1404

Address all telephone calls to: Joseph P. O'Malley at (650)622-2300.

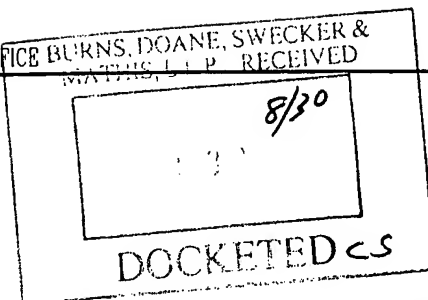
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF SOLE OR FIRST INVENTOR	SIGNATURE	DATE
CHRISTOPHER E. PHILLIPS		
RESIDENCE	CITIZENSHIP	
5888 Assis Court, San Jose, CA 95138	United States of America	
POST OFFICE ADDRESS		
5888 Assis Court, San Jose, CA 95138		
FULL NAME OF SECOND JOINT INVENTOR, IF ANY	SIGNATURE	DATE
DALE WONG		
RESIDENCE	CITIZENSHIP	
855 35 th Avenue, San Francisco, CA 94121	United States of America	
POST OFFICE ADDRESS		
855 35 th Avenue, San Francisco, CA 94121		
37 C.F.R. § 1.47(B) APPLICANT	SIGNATURE	DATE
CHARLES FOX, President and CEO of Chameleon Systems, Inc.		8/13/01
RESIDENCE	CITIZENSHIP	
47335 Galindo Drive, Fremont, CA 94539	United States of America	
POST OFFICE ADDRESS		
47335 Galindo Drive, Fremont, CA 94539		



UNITED STATES PATENT AND TRADEMARK OFFICE BURNS, DOANE, SWECKER & MATHIS, LLP RECEIVED

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UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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Paper No. 8

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AUG 28 2001

OFFICE OF PETITIONS

BURNS DOANE SWECKER & MATHIS LLP
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

In re Application of
Phillips & Wong
Application No. 09/679,398
Filed: October 3, 2000
Attorney Docket No. 032001-011
For: HIERARCHICAL STORAGE
ARCHITECTURE FOR RECONFIGURABLE
LOGIC CONFIGURATIONS

: DECISION ACCORDING
: STATUS UNDER
: 37 CFR 1.47(b)
:
:

This is in response to the reconsideration petition under 37 CFR 1.47(b), filed August 22, 2001

The petition is granted.

Petitioner has shown that the non-signing inventors have refused to join in the filing of the above-identified application after having been presented with the application. Specifically, the declaration of facts of Attorney Joseph P. O'Malley, an attorney representing the Rule 47(b) entity, Chameleon Systems, Inc. (Chameleon), establishes that the inventors were mailed the application papers, including the specification, claims and drawings, but failed to respond to the request that they sign their copy of the declaration. In addition, petitioner has shown that Chameleon has a proprietary interest in the above-identified application with the copies of the assignment agreements showing that the inventors had an obligation to assign any patent rights to Chameleon. Lastly, petitioner has submitted a declaration in compliance with 37 CFR 1.63 and 1.64 and petitioner has shown that such action is necessary to prevent irreparable damage.

This application and papers have been reviewed and found in compliance with 37 CFR 1.47(b).
This application is hereby accorded Rule 1.47(b) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Regarding finances, a review of Office financial records indicates that petitioner was charged large entity filing fees from the initial filing of the above-identified application. However, in the renewed petition, filed August 22, 2001, petitioner asserts that the filing fee was paid at the small entity level concurrent with the filing of the Response to Notice to File Missing Parts of Application. As of August 22, 2001, petitioner is considered small entity because Attorney O'Malley asserts small entity status. Any fees paid from that point on will be small entity fees.

*Chameleon
JPO*

Because the application file does not contain a written assertion of entitlement to small entity status prior to that point, petitioner was charged large entity fees.

As stated in 37 CFR 1.27(c)(3), the payment of the exact amount of the small entity basic filing fees will be treated as a written assertion of entitlement to small entity status. However, the payment of any small entity fee other than a filing fee will not be treated as a written assertion of entitlement. Petitioner must show that petitioner desired the Office to charge small entity fees when the authorization to charge the filing fees was submitted. A review of the application file shows that the transmittal sheet, filed on October 3, 2000, is missing. Petitioner is requested to submit a copy of the October 3, 2000 transmittal letter or whatever document establishes that petitioner intended the Office to charge small entity filing fees.

With the May 7, 2001 petition, petitioner submitted a check for \$630, although the amount of the check as stated in the petition was \$640.00. As finances stand now, petitioner deposit account has been charged \$10.00 to account for the \$10.00 discrepancy in the submitted check (which is applied towards a \$130.00 petition to Commissioner fee) and petitioner has paid \$130.00 for the late submission of a declaration. Regarding the extension of time filed May 7, 2001 (certificate of mailing date April 30, 2001), petitioner is correct that only a three month extension was necessary. Pursuant to petitioner's authorization, petitioner's deposit account 02-4800 will be charged the \$890.00 large entity fee for the three month extension of time due on May 7, 2001.¹ If petitioner can establish that small entity status was claimed prior to May 7, 2001, the Office will refund the difference between the large and small entity fees.

After this decision is mailed, the above-identified application will be forwarded to the Office of Initial Patent Examination for issuance of a corrected filing receipt. Thereafter the application will be returned to Technology Center 2100 for further processing.

Telephone inquiries should be directed to the undersigned at (703) 308-6712.



E. Shirene Willis
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

¹ Financial records indicate petitioner's account has been refunded the three month extension of time originally filed on May 7, 2001.



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Paper No. 10

CHRISTOPHER E. PHILLIPS
5888 ASSIS COURT
SAN JOSE, CA 95138

COPY MAILED

AUG 28 2001

OFFICE OF PETITIONS

In re Application of
Phillips & Wong
Application No. 09/679,398
Filed: October 3, 2000
Attorney Docket No.: 032001-011
For: HIERARCHICAL STORAGE
ARCHITECTURE FOR RECONFIGURABLE
LOGIC CONFIGURATIONS

LETTER

Dear Mr. Phillips:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

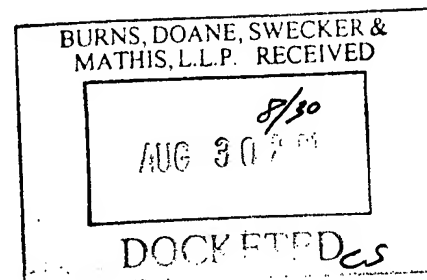
As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Requests for information regarding your application should be directed to the File Information Unit at (703)308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703)308-9726 or 1(800)972-6382 (outside the Washington D.C. area).

Telephone inquiries regarding this communication should be directed to the undersigned at (703) 308-6712.

E. Shirene Willis
E. Shirene Willis
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

ATTORNEY OF RECORD: BURNS DOANE SWECKER & MATHIS LLP
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404



*Cham/low
REK/JPO*



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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Paper No. 11

DALE WONG
855 35TH AVENUE
SAN FRANCISCO, CA 94121

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AUG 28 2001

OFFICE OF PETITIONS

In re Application of
Phillips & Wong
Application No. 09/679,398
Filed: October 3, 2000
Attorney Docket No.: 032001-011
For: HIERARCHICAL STORAGE
ARCHITECTURE FOR RECONFIGURABLE
LOGIC CONFIGURATIONS

LETTER

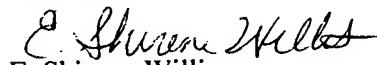
Dear Mr. Wong:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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Petitions Attorney
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for Patent Examination Policy

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ALEXANDRIA VA 22313-1404